9 Mr. A. Kandaswami Pillai, Tamil Pandit, Government College, Coimbatore.
10 ,, P. A. Stephen, Retired Head-master, C. M. S. High School, Trichur.
11 ,, I. Raman Menon, Agricultural Superintendent.
12 ,, T. A. Krishna Bhagavathar, Professional musician.
13 Dr. A. R. Puduval, Government Medical Officer.
14 Srimati V. K. Lakshmikutti Ammah, Consort to H. H. the 1st Prince.
15 ,, P. Gouri Amma, Government Medical Officer.
16 Mrs. Kolhoff, Government Medical Officer.
17 H. H. the 9th Prince of Cochin.
18 H. H. the 10th Prince of Cochin.
19 H. H. the 19th Prince of Cochin
20 H. H. the 23rd Prince of Cochin.

Adjournment motion for purposes of debate.

President.—I have received certain urgent adjournment motions, one from Mr. Ouseph and another from Mr. Ramachandra Ayyar. Under Rule 19 (1), there can be only one adjournment motion.

Mr. C. A. Ouseph.—The adjournment motion that has been put off from yesterday to to-day may be considered first.

President.—Would you not like to have a look into the plan just to see the situation of the temple and all that?

Mr. A. B. Salem.—Yes, Sir.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I want a little time. My Revenue Inspector will just come down from Elankunnapula, and then you can have a neat sketch of the locality. I want time till 3 o'clock.

Mr. A. B. Salem.—It is a very important matter, and we have gone fully into the matter, and we are satisfied that the motion should be allowed by the President in his discretion.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I expected him at half past twelve.

President.—It is only after that that we can consider this.

Mr. C. Achyuta Menon.—That is all I am considering now.

President.—Where is the time for discussion?

Mr. A. B. Salem.—If the President gives his consent, many Members will have to speak.

President.—All of us wish to express our independent judgment on a matter like this. For my own part, I am going to consider the matter.

Mr. A. B. Salem.—We are satisfied that it is a question of urgent public importance, and that the road was being used

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by all the people before. The Government have supported that view.

President.—Whether the Government has supported it or not, the question is whether this Council should discuss that matter as a matter of urgent public importance and spend its valuable time. If it is of such importance, the Council may discuss the matter. That is the point we have to consider. If we spend our time like that, and if these subjects are not fit to be discussed under the Council Law, we will be spending our time uselessly, and we will not be doing our legitimate work.

Mr. A. B. Salem.—Nothing is of greater importance to the public than to see that these causes of irritation of the body-politic are removed. We want our little Cochin to stand up for rights and move on. And if there is anything, that must be removed; nothing is of greater public importance than the removal of such irritants from the body politic. It is in that light that I am urging this for consideration at your hands.

President.—Now, you see, the Paliam exercises control over this road. This road leads to their temple known as the Nayarambalam Temple. There is a tank close to this place, and all these occurrences took place during the *Utsavom* on the 2nd and 3rd of Kumbham at the instance of the Paliam Mutalpidi. There were Police constables there to maintain order.

Some Ezhuva boys of the Narakkal school wanted to go that way, and they were prevented. Complaints were received, both from these Ezhuva boys and the caste Hindus. Cases and counter cases have been registered by the Police, and investigation is proceeding. Both the Second Class Magistrate and the District Magistrate were at the spot. Public meetings were held under the Presidentship of Mr. Paul Mampilli, and resolutions passed. The latest information is that everything is quiet there. The members who held the public meeting have resolved that all constitutional means should be adopted for establishing their rights, and that the necessary amount should be collected for prosecuting this object. That is the latest information on the subject.

Mr. M. K. Raman.—At present attempts are made to close up that passage, which is of extreme public importance—in these matters the relationship that exists between communities is a matter of great importance. When the depressed classes are suffering from several disabilities, it will be very undesirable to add to their difficulty. Even at the sacrifice of the high caste Hindus, the law should always be interpreted favourably to the depressed classes. The attitude of the Government in these matters should be to bring about a sort of amicable

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settlement between the different communities. If anything which alienates the good feeling and sympathy of one section takes place, that brings about a lot of unpleasant feeling to the other section; and with regard to the tranquility of the place, some disturbances are likely to arise. So my submission is these things attempt to put additional obstacles in the way of a large section of the people, and that the Government may take prompt action against any such additional impediments being put in the way of these suffering classes. So that is why I submit this is of extreme importance, because I know actually the road existed open formerly. Last year the Revenue authorities made enquiries in connection with a request to put up certain notice-boards, and that this road should not be made a thoroughfare. In that connection, I know that orders were passed; at any rate, no notice-boards were put up, and the orders were to the effect that no such notice-boards can be put up.

President.—So far as the notice-boards' question is concerned, of course, there was some publication. A cutting from that paper was sent to the Diwan Peishkar, and he was asked to report about it, and in connection with that, this sketch and report were received. No notice is now necessary inasmuch as the Paliam has not come forward with a request to put up notice-boards; so that it is not necessary to consider that question. That is the state of things, and no notice-boards have been put up. The Government did not take any action. They simply understood how matters stood.

But have you got definite information that they are blocking up the path?

Mr. M. K. Raman.—Sir, the public of Narakkal assembled in a meeting, and they have sent up resolutions to the effect that the District Magistrate of Cochin State advised the Paliam authorities to block the passage and to put gates on either side. I know also from information I have from the locality that the Paliam authorities are trying to do that. That would be putting a very serious impediment.

President.—The reasonable course is to bring that fact to the notice of the Government stating "here the passage is being obstructed by putting up gates, so that, till the question is investigated, none should be put up."

Mr. M. K. Raman.—My object in tabling this adjournment motion is to bring to the earnest attention of the Government that a very serious matter is going to take place.

President.—For that purpose, it need not be discussed here. I shall cite the recent instance in Pachalam. The lane, at their request, was registered as a Temple *Poramboke*, and on

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the strength of that right, they wanted to put up gates. At once the matter was brought to the notice of the Government, and the Government at once issued orders that, till the matter is considered and disposed of, no gate should be put up. Now, the matter is under investigation. Why should we think that the Government would not act similarly in a matter like that? If this road was being used by them for a long time, and all on a sudden, somebody conceived the idea of blocking the road for the purpose of preventing the Ezhuva boys from going that way, why should you think the Government will not see that the matter remains at its original state, and the permission to block the passage is granted only after investigation?

Mr. M. K. Raman.—This is a matter more important than the Pachalam case. This concerns probably a larger number of people, and so this is, in my opinion, a matter of greater importance.

President.—You are going into the question of the degree of importance. There also there was considerable feeling. There were memorials and so many things. Moreover, it is in a more important locality. Further, it is in the heart of the town just like the Kalpatti affair.

Mr. C. Achyuta Menon.—I do not want to oppose the motion. I may say that I agree with the Hon'ble Member for the Jewish Constituency in thinking that the whole question depends upon this fact, i. e., whether Ezhuvas and others were using that road formerly. That is a question of fact which can be decided only by taking evidence either by the Government or by the court and not by the Council. We cannot decide the question.

President.—If it is admittedly a public road, then we can understand.

Mr. C. A. Ouseph.—In this connection, Sir, I would request for a point of information. Apart from the change of registry, has the Government handed over possession of this road to the Paliam? They have changed the registry; that I know. Has the Paliam been paying tax to the Government for this property? These are two relevant facts; I would like to have some information on these points.

President.—Of course, when it is registered as a *Poramboke* in the name of the Paliam, the Paliam must have been given possession.

Mr. C. A. Ouseph.—That was what I wanted to know. People were using the lane before. There is a decision of the First Class Magistrate's Court to that effect. Whether the

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Paliam has been given possession by the Government or not is the question to be decided. I would like to know from the Government whether there is any record to show that they have handed over possession of the property to the Paliam, and, secondly, whether the Paliam have been paying tax on it. The presumption is in favour of the men who were using it, until the contrary is proved.

President.—The contrary may be proved.

Mr. M. K. Raman.—Even if the Paliam is given possession, it will only be subject to the right of other people. The attitude of all civilised governments with regard to the depressed classes is to favour them as far as possible and to bring them to the level of other classes, and in a matter like this, when the right is doubtful, I respectfully submit that the Government should always sympathetically consider such things.

President.—The only point, as I said, with regard to the *Poramboke*, is whether everybody has a right to pass through it. I mean to say here it is of a private Jenmi. He comes and claims his right, and says, "It is my own. I have a right to prevent anybody from using this road, according to my will and pleasure". So here is a question of the right of a private Jenmi and the right of other people who say that they have got a right to use it. Is that not a matter to be decided on evidence? There is that particular aspect to be considered. Here we are now considering the right of a private person and a body of the public. That private person is the Paliam Mutalpidi.

Mr. M. K. Raman.—But the transfer to the Paliam was made by the Government.

President.—Anyhow, there is that transfer on which they can claim a right.

Mr. M. K. Raman.—Even supposing the Government had no right to transfer it, let it be decided by a court. It is a well-known principle of law that the transferee does not get any right other than that enjoyed by the transferer. My object in tabling this adjournment motion is to bring to the notice of the Government that it is a very urgent and a very important matter. There are various ways of bringing such things to the notice of the Government, namely, either by resolution or by asking questions or by adjournment motion. I thought this a very important and emergent matter, and I have tabled this adjournment motion.

Mr. A. B. Salem.—Sir, many gentlemen of this House are feeling in this matter, as to what all points are to be decided. Therefore, you will see, Sir, there are many points arising in this matter for discussion. We are not adjudicating any

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case. We only want to help the Government as to what attitude they should assume in a matter like this, and what all matters they should consider by a discussion of the subject.

President.—There may be feeling in this matter. But we should not be discharging the functions that legitimately belong to courts. If we come to a decision, the Paliam will go to a court and say:—"Here is a road. I have a right to prevent free passing of any one through that road"; and the court will take cognizance and dispose of the matter according to the merits of the case. Will our decision be of any help in the least in a matter like this? What is the purpose of our discussion?

Mr. A. B. Salem.—I will tell you, Sir. The purpose of our discussion is that the House may show the Government what attitude the country has towards these matters, and what attitude the Government should take in this matter, in the opinion of the House. Of course, it will be left to the Government to act up to the advice or to act contrary to the advice of the House. But it will help the Government to be armed with any opinion that they may form regarding these important questions.

President.—There will always be an aggrieved party in such matters.

Mr. A. B. Salem.—I am not at all concerned with these two parties.

President.—There is one side—the Paliam who claims exclusive right, and says they are entitled to prevent people from passing along that road; there is the other section of the people, the Ezhuvas, Christians and others who say they have been making use of this road for a very long time, and that Paliam has no right to obstruct them. Of course, the courts will go into the matter and come to a decision.

Mr. A. B. Salem.—Let me ask you one question, Sir. Supposing it is found here that the *status quo ante* is not maintained by the Police, and that the Police sympathy is with the Paliam—let us take it for granted—then, is it not a matter for the Government to say, in the face of the trend of the discussion and the view that the House takes, that the Government should not interfere in the matter, and that the Civil Courts will establish their rights? Supposing, on the other hand, you find here by means of discussion and by placing the matter before this House, that the Police have taken the obstructors' side, i. e. the Paliam side, then, would it not be the duty of the Government to say, after discussing the matter in this House:—"We think that the right of the other men should be maintained and respected rather than the right of the obstructors"? So we would ask the

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Police not to side with any party, and the Government will issue orders that the Paliam may establish their right, if any, in a Civil Court.

Dr. A. R. Menon.—If the Police and the District Magistrate interfere in this matter on the complaint of the Paliam, if it is so, you did not look into the papers to decide to whom this road belongs, but, on the mere representation of the Paliam, the Police and the District Magistrate issued orders that such a lane should be blocked, so that the people passing along that lane may not pass; and, therefore, when you took up that question, you have not considered the legality of the right of the Paliam, and now you ask:—"Can you not discuss the matter in a Court of Law"? I ask the Government: "Is this a fair way of holding the balance, especially, when it concerns these depressed classes, and, they form a large section of our people"?

President.—As I pointed out, if the District Magistrate acted irregularly, if he has taken one side, and if he has not examined the papers properly, and given a written order, it is open to correction.

Mr. A. B. Salem.—You know, in many cases, in Madras and Delhi, such adjournment motions have very often been allowed, even in spite of objection from the Government. President Mr. Patel, in spite of Sir Charles Innes' objection, allowed it.

President.—It is not a question of the Government objecting. You miss the point. The question is whether it is a matter of urgent public importance. If such motions are allowed to-morrow the rights of other private parties may be invaded. Though a section of the people may have been aggrieved can we allow such motions?

Mr. A. B. Salem.—We are here to discuss such private matters. At least, I shall certainly be not a party to give my consent.

Mr. C. A. Ouseph.—Here the question is whether the Police helped the Paliam. That is a public question, and we are not given any information.

President.—The Police, in discharging their legitimate duties, cannot but side with one party or another. That is no ground for discussion here.

Mr. C. A. Ouseph.—You say all these things will come to the notice of the Government. May I know how? The District Magistrate or the Police has done something wrong. You say it will come to the notice of the Government. How, Sir, I ask. We are the representatives of the people, and it is our duty to bring to the notice of the Government such matters.

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We take it as a public question. The Government may look into it in its own executive fashion. We have got certain rights given by the Regulation, and we want to exercise them.

Mr. S. S. Koder.—Sir, may I say one or two words? The road in question is admittedly a *Poramboke* road, and the Revenue Member also said that this was given to Paliam afterwards with all the rights which it had before. If it was a *Poramboke* road before, I am sure we all agree every one must be allowed to go through that. Is there much to grope about that question? (*Laughter* and *Hear, hear.*)

President.—But what is the effect of this registry?

Mr. S. S. Koder.—It is given to the Paliam with all the rights the land had before. That is to say, if I was allowed to walk through that road before the registry, I was allowed even after the registry. That was admitted by the Revenue Member. So there is nothing to grope about that question.

Then, the only question we have to consider is whether it is a matter of urgent public importance. When all the public were allowed to go through that road, I think it a question of public importance, and we should allow it to be discussed here. And now, Sir, supposing the District Magistrate has done something wrong, and it is brought to the notice of the Government, should not the Government surely interfere in the matter and do something? I remember some acts of the same District Magistrate were brought to the notice of the Government by me, and so far as I am concerned, no redress was given.

Mr. George Chakyamuri.—The question is about the censure of the conduct of the Government officer. I ask whether this House is aware of a similar trouble in Vadutala and Pachalam At this rate it may be thought likely that similar troubles may take place in other places also. If the discussion is allowed, this House will be able to enlighten the Government on the correct attitude to be taken in order to avoid such troubles in future. I believe it is a matter to be discussed in this House.

Mr. K. T. Mathew.—There is also one trouble in Mangad in my constituency.

President.—You have not brought an adjournment motion.

Mr. M. K. Raman.—What is it that the District Magistrate has done?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Well, Sir, I have only hear-say information. I understand the people say that District Magistrate told them to put up gates and notice-boards just to keep the public informed that this particular road was blocked for public use. That is what I hear. I have no reliable information. People say so.

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President.— He is only giving hear-say information. He says that the District Magistrate advised Paliam to put up the notice-board and the gate.

You have got nothing more than the report of the Head-master of Narakkal to whom the boys complained. Have you any further information, Mr. Matthai ?

Mr. C. Matthai.—I have no information.

Mr. M. K. Raman.—The boys went and complained to the Head-master, but the Head-master could not take any action.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Some of the boys complained to the Head-master. The Police took down a complaint from the boys, and have registered a case against the party who are alleged to have assaulted the boys.

President.—This motion relates to the obstruction to a public right of way over a lane in Nayarambalam village in the Cochin-Kanayannur Taluk, and the Paliam who claims the right to the lane had the place registered in its name in 1098. On the strength of this registry the Paliam, with the help, it is said, of the Magistracy and Police is attempting to block the way, and the District Magistrate, it is said, has, without a proper investigation, asked the Paliam to close the way by putting up gates at both ends. It is said that the Ezhuvas and others who wanted to make use of the way as of old were obstructed by the Police, and that the incidents have given rise to considerable excitement. There is, *prima facie*, the question of a right between a private individual and a section of the public, to be ultimately determined by a Civil Court, but, at the same time, I am unable to say that this is not a matter of urgent public importance, and consequently, that the motion cannot be discussed. I rule that the motion is in order.

Mr. M. K. Raman requests leave to move for an adjournment of the business of the Council for the purpose of discussing the following definte matter of urgent public importance.—

"the extremely regrettable incident that occurred on the 3rd of Kumbham 1102, at the Veliyattuparambu road in Nayarambalam, wherein non-caste Hindu children returning from school were badly belaboured for passing through the said road, and the most reprehensible conduct of the District Magistrate who subsequently instructed the Paliam servants to block up the high-way in question."

I ask whether the Member, Mr. M. K. Raman, has got the leave of the Council to proceed. Only, if there is no objection, can I ask the Members who support the adjournment motion to rise in their places. I ask whether there is any objection. I see there is no objection. Then, I give leave for discussing it at 3 30 p. m. to-day.

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